

## REMARKS

Claims 1-5, 7-11 and 25-31 are pending herein. Claims 6 and 12-24 have been canceled herein.

1. Claims 1-11 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-11 of co-pending Application No. 10/609,250. Presently, all pending claims in the present application are apparatus claims, while all pending claims in the co-pending application are method claims. In this respect, the PTO has already deemed that the present apparatus claims and method claims are patentably distinct. Please see the Restriction Requirement dated December 28, 2004, detailing that the present apparatus claims and method claims are patentably distinct under 35 U.S.C. §121. Accordingly, withdrawal of the provisional obviousness-type double patenting rejection is respectfully requested.

2. Claim 6 was rejected under §112, second paragraph. Cancellation of claim 6 attends to this matter.

3. Claims 1-3 were rejected under §102(b) over Vaidya et al. This rejection is respectfully traversed for the following reasons.

The present claims have been amended herein to clarify that the present apparatus is an IBAD apparatus, that is, an ion-beam assisted deposition apparatus. In this context, claim 1 has been amended to incorporate an ion-beam source (in addition to the means for delivering the deposition material) for imparting a biaxial texture in the deposition material. In contrast, Vaidya et al. generally teach methods for depositing thin metallic films on a plastic substrate. The coating apparatus of Vaidya et al. is not an IBAD apparatus, and fails to disclose (or even remotely suggest) an ion-beam source for imparting texture to the deposited material. Accordingly, since it is quite clear that Vaidya et al. fail to teach all features of the claimed invention, the §102 rejection should be withdrawn.

4. The present claims were further rejected over Vaidya et al. taken alone, and in combination with various secondary references Lijima et al., Cavalca et al., and AmRheim et al. None of these additional references fail to overcome the fundamental deficiencies of Vaidya et al. described above. Accordingly, withdrawal of these rejections is respectfully requested.


Applicants respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

Should the Examiner deem that any further action by the Applicants would be desirable for placing this application in even better condition for issue, the Examiner is requested to contact Applicants' undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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